

REMARKS

Applicant respectfully requests reconsideration. Claims 27-54, 56, 60, 63-65, 67-91 and 93-106 were pending in the application. These claims remain pending.

Double-Patenting Rejection

Claims 27-54, 56, 60, 63-65 and 67-74 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-41 of prior U.S. Patent No. 7,345,416. Independent claims 27 and 56 both recite that an **extraction efficiency** of the light-emitting device is substantially independent of the length of the edge. The corresponding claims 1 and 31 in U.S. Patent No. 7,345,416 identified in the Office Action recite that the **quantum efficiency** of the light-emitting device is substantially independent of the length of the edge.

The extraction efficiency of an LED is a different parameter than the quantum efficiency of an LED. The term extraction efficiency is defined as “the ratio of the light-emitted by the LED to the amount of light generated by the device” (e.g., see application: page 22, lines 17-19); while, the quantum efficiency of an LED is “the ratio of the number of photons generated by the LED to the number of electron-hole recombinations that occur in the LED” (e.g., see application: page 22, lines 28-30).

It is further noted that the Restriction Requirement in the present application mailed on December 30, 2004 grouped claims reciting “extraction efficiency” in Species 1, and, claims reciting “quantum efficiency” in Species 2. In the present application, the claims reciting extraction efficiency were elected. A divisional application, which subsequently issued as U.S. Patent No. 7,345,416, was filed including the claims from Species 2 which recited “quantum efficiency”. Thus, the Patent Office did recognize earlier in the prosecution of this application that claims reciting extraction efficiency are a different invention than claims reciting quantum efficiency.

For these reasons, independent claims 27 and 56 are directed to two different inventions than those in claims 1 and 31 of U.S. Patent No. 7,345,416. The remaining claims that stand rejected on this ground depend from either claims 27 or 56 and, thus, are also not the same invention as the corresponding claims cited in the Office Action from U.S. Patent No. 7,345,416.

Accordingly, Applicant respectfully requests withdrawal of the rejection on this ground.

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Respectfully submitted,

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